

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 08-37 As Amended

Introduced by Council President Boniface at the request of the County Executive

Legislative Session Day No. 08-16

Date: June 3, 2008

A BILL to provide the County Executive with the authorization to execute, on behalf of Harford County, Maryland (the "County"), one or more vehicle lease, lease/purchase and/or installment purchase agreements to be executed through the competitive bid process and approved by the County Council of Harford County, Maryland (the "County Council"), for the financing and acquisition of certain necessary and essential vehicles, including but not limited to vans, utility trucks, pickup trucks, SUVs, crew pickup trucks, police full size autos, mid size unmarked Impalas, full size autos, intermediate size autos, compact autos, bus town go arounds, tanker trucks, tractor trucks, stake trucks, tri axle dumps, 1 axle dumps, small dumps, road service trucks, animal control vans, sewer vacs, street

By the Council,

Introduced, read first time, ordered posted and public hearing scheduled

on: July 8, 2008

at: 7:00 p.m.

By Order: Barbara J. O'Connor, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on July 8, 2008, and concluded on July 8, 2008.

Barbara J. O'Connor Council Administrator

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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sweepers, rear loader trashes, compressors, large snow blowers, stone chipper, pavement crack sealers, chippers, brown bears, riding tractors/mowers, forklifts, farm tractors, vibrating rollers, tire rollers, asphalt pavers, road graders, gradal, track loaders, rubber tire loaders, shoulder pullers, backhoes with loaders, utility trailers, radar trailers, flatbed trailers, display trailers, ATV's, motorcycles, tanker trailers, lowboy trailers, and wheel excavators (collectively, the "Vehicles") as approved in the Annual Budget and Appropriation Ordinance, Bill No. 08-32 adopted by the County Council on May 27, 2008, approved by the County Executive on May 29, 2008, effective July 1, 2008 (the "Annual Budget and Appropriation Ordinance"), providing that the aggregate principal amount of such financing shall not exceed ~~Eleven Million Five Hundred Thousand Dollars (\$11,500,000)~~ Eleven Million Four Hundred Forty Thousand Dollars (\$11,440,000) providing that the Vehicles to be acquired may be obtained through one or more competitive bids and one or more

By the Council,

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on: July 8, 2008

at: 7:00 p.m.

By Order: _____, Council Administrator

PUBLIC HEARING

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_____, Council Administrator

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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lease purchase agreements, installment purchase agreements and/or lease-leaseback agreements; providing that the County Council may adopt a Resolution or Resolutions that shall provide for additional details incident to the financing and acquisition of such Vehicles, to effect the installment purchase, lease-purchase and/o lease-leaseback acquisition of certain Vehicles, as set forth in the Annual Budget and Appropriation Ordinance; providing that upon the recommendation of the County Executive and with the approval of the County Council by Resolution, the Vehicles to be acquired may be changed and amended and other necessary and essential Vehicles in the Annual Budget and Appropriation Ordinance may be substituted therefore; and provided further, that the County's obligation to make payments under any such agreement entered into for the acquisition of the such Vehicles, to be funded through the

By the Council,

Introduced, read first time, ordered posted and public hearing scheduled

on: July 8, 2008

at: 7:00 p.m.

By Order: _____, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION:

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Annual Budget and Appropriations Ordinance, and all other obligations of the County in connection with the financing and acquisition of such Vehicles, shall upon approving resolution of the County Council, be issued upon the full faith and credit and unlimited taxing power of the County; unless the County Council, upon recommendation of the County Executive, by Resolution, provides that the obligations should be subject to annual appropriation by the County Council and shall not constitute debt of the County nor in any way constitute a pledge of the general tax revenues, funds, or moneys of the County; and generally providing for and determining various matters in connection with the financing and acquisition of such Vehicles.

By the Council,

Introduced, read first time, ordered posted and public hearing scheduled

on: July 8, 2008

at: 7:00 p.m.

By Order: _____, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 WHEREAS, the County Executive proposes that the County enter into one or more
2 lease/purchase agreement or agreements, financing leases, installment purchase agreements or
3 lease-leaseback agreements (the "Leases"), through the competitive bid process, for the financing
4 and acquisition of certain Vehicles as provided in the Annual Budget and Appropriation
5 Ordinance (hereinabove described), such financing to be in an aggregate principal amount not to
6 exceed ~~Eleven Million Five Hundred Thousand Dollars (\$11,500,000)~~ Eleven Million Four
7 Hundred Forty Thousand Dollars (\$11,440,000); and

8 WHEREAS, the County Executive proposes that he and such other County officials as he
9 may require be given the authority to execute the Lease(s) in one or more series and such other
10 documentation as shall be necessary to effect the financing and acquisition of such Vehicles on
11 behalf of the County; and

12 WHEREAS, certain details of the Lease(s) and additional details incident to the financing
13 and acquisition of such Vehicles shall be approved by a Resolution of the County Council; and

14 WHEREAS, the County Executive proposes that upon his recommendation and with the
15 approval of the County Council, by Resolution, the County acquire such Vehicles pursuant to a
16 lease purchase agreement financing leases and/or lease-leaseback agreements; and

17 WHEREAS, Sections 520 and 524 of the Charter of the County require that all
18 agreements and payments thereunder which would extend beyond the current fiscal year be
19 authorized by legislative act.

20 NOW, THEREFORE:

21 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF HARFORD
22 COUNTY, MARYLAND that the County Executive be, and he and such other County officials
23 as he may require are, hereby authorized to execute on behalf of the County one or more Lease(s)

1 in one or more series and such other documentation as the County Executive shall determine to
2 be necessary to provide for payment by the County of Lease payments in an aggregate principal
3 amount not to exceed ~~Eleven Million Five Hundred Thousand Dollars (\$11,500,000)~~ Eleven
4 Million Four Hundred Forty Thousand Dollars (\$11,440,000) to effect the Lease acquisition of
5 certain Vehicles as set forth in The Annual Budget and Appropriation Ordinance including but
6 not limited to Vans, Utility Trucks, Pickup Trucks, SUV's, Crew Pickup Trucks, Police Full Size
7 Autos, Mid Size Unmarked Impalas, Full Size Autos, Intermediate Size Autos, Compact Autos,
8 Bus Town Go Arounds, Tanker Trucks, Tractor Trucks, Crew Trucks, Stake Trucks, Tri Axle
9 Dump, 1 Axle Dump Trucks, Small Dump Truck, Road Service Trucks, Animal Control Vans,
10 Sewer Vacs, Street Sweepers, Rear Loader Trash, Compressors, Large Snow Blowers, Stone
11 Chippers, Pavement Crack Sealers, Chippers, Brown Bears, Riding Tractors/Mowers, Forklifts,
12 Farm Tractors, Vibrating Rollers, Tire Rollers, Asphalt Pavers, Road Graders, Gradal, Track
13 Loaders, Rubber Tire Loader, Shoulder Puller, Backhoe With Loader, Utility Trailers, Radar
14 Trailers, Flatbed Trailers, Display Trailers, ATV's, Motorcycle, Tanker Trailers, Lowboy Trailers
15 and Wheel Excavators.

16 SECTION 2. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
17 HARFORD COUNTY, MARYLAND that the Lease(s) shall provide for the financing and
18 acquisition of such Vehicles, as more fully described in Section 1 of this Act and incorporated
19 herein by reference, to be used in connection with the operations of the County. The cost of the
20 acquisition of such Vehicles shall not exceed ~~Eleven Million Five Hundred Thousand Dollars~~
21 ~~(\$11,500,000)~~ Eleven Million Four Hundred Forty Thousand Dollars (\$11,440,000), plus the
22 lease finance cost as may be appropriated by the County Council in The Annual Budget and

1 Appropriation Ordinance in each year.

2 SECTION 3. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
3 HARFORD COUNTY, MARYLAND that, upon the recommendation of the County Executive
4 with the approval of the County Council by Resolution and subject to the Annual Budget and
5 Appropriation Ordinance, the Vehicles as approved by this Act may be revised and amended and
6 other necessary and essential Vehicles and/or tangible or intangible personal property may be
7 substituted therefor.

8 SECTION 4. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
9 HARFORD COUNTY, MARYLAND that the identity of the successful bidder to provide the
10 financing for the Vehicles shall be determined by competitive bids conducted by the Department
11 of the Treasury.

12 SECTION 5. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
13 HARFORD COUNTY, MARYLAND that certain details of the lease financing evidenced by the
14 Lease(s) (including, but not limited to, the successful bidder) shall be approved by the County
15 Council by Resolution.

16 SECTION 6. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
17 HARFORD COUNTY, MARYLAND that any Lease payments under the Leases shall be a full
18 faith and credit obligation of the County and the unlimited taxing power of County is pledged to
19 such payments, unless the County, upon approval by Resolution of the County Council,
20 determines that the lease payments shall be subject to annual appropriation by the County
21 Council and shall not constitute a current expense of the County, shall not be construed as a debt
22 of the County, nor shall the County's obligation to make such Lease payments in any way
23 constitute a pledge of the full faith and credit, general tax revenues, funds or moneys of the

1 County.

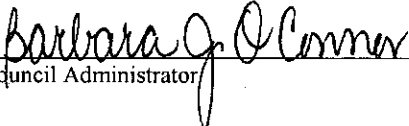
2 SECTION 7. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
3 HARFORD COUNTY, MARYLAND that the Vehicles and/or tangible and intangible personal
4 property described in Section 1 may be acquired pursuant to one or more lease finance
5 agreements to be executed by the County Executive of the County.

6 SECTION 8. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
7 HARFORD COUNTY, MARYLAND that, upon the recommendation of the County Executive
8 and with the approval of the County Council by Resolution, the County may purchase all or a
9 portion of such Vehicles.

10 SECTION 9. AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
11 HARFORD COUNTY, MARYLAND that this Act shall take effect sixty (60) calendar days
12 from the date it becomes law.

13 EFFECTIVE: September 15, 2008

The Council Administrator of the Council does hereby
certify that fifteen (15) copies of this Bill are immediately
available for distribution to the public and the press.



Council Administrator

HARFORD COUNTY BILL NO. 08-37 As Amended

Brief Title Lease Purchase Agreement

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. O'Connor
Council Administrator

Date July 8, 2008

ENROLLED

Billy Bonface
Council President

Date July 8, 2008

BY THE COUNCIL

Read the third time.

Passed: LSD 08-19

Failed of Passage: _____

By Order

Barbara J. O'Connor
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 9th day of July, 2008 at 3:00 p.m.

Barbara J. O'Connor
Council Administrator

BY THE EXECUTIVE

David R. Craig
COUNTY EXECUTIVE

APPROVED: Date July 15, 2008

BY THE COUNCIL

This Bill No. 08-37 As Amended having been approved by the Executive and returned to the Council, becomes law on July 15, 2008

EFFECTIVE DATE: September 15, 2008

Barbara J. O'Connor
Barbara J. O'Connor,
Council Administrator